

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

NOORJAHAN RAMJI,

Plaintiff,

v.

HOSPITAL HOUSEKEEPING
SYSTEMS, LLC,

Defendant.

Civil Action File No.

COMPLAINT

Plaintiff Noorjahan Ramji (“Ms. Ramji”) states her complaint against the above-named Defendant as follows.

1. This is a complaint for violation of the Family and Medical Leave Act (“FMLA”).
2. This Court has jurisdiction over Ms. Ramji’s claim, and venue is proper in this Court.
3. Defendant Hospital Housekeeping Systems, LLC (“HHS”) is a foreign limited liability company that conducts business in the State of Georgia.
4. HHS employed more than fifty employees during 2014, 2015, and 2016.

5. In 2012, Ms. Ramji began employment with HHS as a cleaner at Eastside Medical Center in Snellville, Georgia.
6. On or about September 15, 2016, Ms. Ramji injured her knee as the result of an on-the-job accident.
7. Ms. Ramji filed a workers' compensation claim related to her knee injury. Her workers' compensation panel doctor placed Ms. Ramji on "light duty" restrictions and ordered a series of physical therapy sessions. Ms. Ramji complied with the treatment regimen recommended by her doctor.
8. Ms. Ramji's workers' compensation panel doctor cleared her to return to work, so she returned to work on October 4, 2016.
9. Upon her return to work on October 4, 2016, HHS required Ms. Ramji to undergo a physical agility test.
10. Prior to October 4, 2016, HHS did not inform Ms. Ramji that she would be subjected to a physical agility test.
11. Upon information and belief, HHS does not require other employees to undergo a physical agility test following a workplace injury or when returning from medical leave.
12. HHS determined that Ms. Ramji failed the physical agility test because she was not able to stand on one foot unassisted and was not able to navigate

stairs without using a handrail.

13. Ms. Ramji was not able to stand on one foot unassisted or navigate stairs without using a handrail because of her knee injury.
14. Standing on one foot unassisted and navigating stairs without using a handrail were not essential functions of Ms. Ramji's job as a cleaner.
15. HHS terminated Ms. Ramji on October 4, 2016 because she failed the physical agility test.
16. Ms. Ramji worked more than 1,250 hours for HHS during the 12-month period preceding her termination.
17. Despite being aware of Ms. Ramji's knee injury, and despite being aware that her knee injury affected her ability to work, Defendant never informed Ms. Ramji of her rights under the FMLA, including her right to request and take FMLA leave.
18. Defendant violated the FMLA by (1) failing to inform Ms. Ramji of her right to FMLA leave after learning of her serious health condition, (2) failing to allow Ms. Ramji FMLA leave as needed to address her serious health condition, (3) failing to inform Ms. Ramji of its required physical agility test, (4) requiring Ms. Ramji to undergo a physical agility test, and (5) terminating Ms. Ramji's employment after her physical agility test, which

she failed because of her serious health condition.

Based on the above facts, Ms. Ramji requests a jury trial on all triable issues and asks the Court for the following relief: back pay, liquidated damages as permitted by the FMLA, front pay, prejudgment interest, litigation costs, attorneys' fees, and other relief deemed appropriate by the Court.

Respectfully submitted on February 20, 2018

s/ April Lee
Regan Keebaugh
Georgia Bar No. 535500
April Lee
Georgia Bar No. 487634

Radford & Keebaugh, LLC
315 W. Ponce de Leon Ave., Suite 1080
Decatur, Georgia 30030
T: (678) 271-0300
F: (678) 271-0311
regan@decaturlegal.com
april@decaturlegal.com